



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 23 2009

REPLY TO THE ATTENTION OF:

S-6J

Mr. Jeffery D. Jeep
Jeep & Blazer LLC
24 N. Hillside Ave.
Suite A
Hillside, IL 60162

Re: Request for Second Extension of Public Comment Period
Waukegan Harbor (Outboard Marine Corporation) Site

Dear Mr. Jeep:

Thank you for your January 2, 2009, letter to Kevin Adler, of my staff, in which you requested, on behalf of the City of Waukegan, a second extension to the comment period for the Waukegan Harbor proposed plan for Record of Decision (ROD) Amendment. The United States Environmental Protection Agency (EPA) is declining your request for a second extension as explained below.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP)(*Federal Register* Vol. 55, No. 46) requires EPA to "provide a reasonable opportunity, not less than 30 calendar days, for submission of written and oral comments" on a proposed plan. Further, "upon timely request" the EPA will extend the comment period by a minimum additional 30 days (40 CFR § 300.430(f)(3)(i)(C)). The EPA released the Waukegan Harbor proposed plan for public comment on November 1, 2008, with the comment period initially slated to run from November 3, 2008, until January 5, 2009. The EPA established a 60-day comment period, double the time frame mandated by the NCP, in recognition of the complexity of the site issues and likely interest by many in the community. The EPA held a public meeting in Waukegan on November 13, 2008, to announce and take oral comments on the proposed plan. At this meeting, you verbally requested an extension of the comment period and reiterated this request in a letter to Mr. Adler dated December 3, 2008. Upon consideration of this extension request, EPA extended the comment period an additional 30 days, until February 4, 2009.

We believe that a 90-day comment period is a reasonable period of time for the public, including the City of Waukegan, to make informed comments on the proposed cleanup plan for Waukegan Harbor. City officials and consultants were involved in the recent efforts from 2003 to 2007 to clean up the harbor sediment under the Great Lakes Legacy Act (GLLA). The city was the sponsor of a cleanup plan for the harbor and

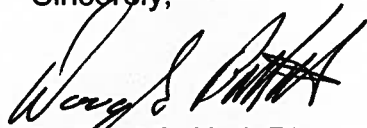
presented the plan to EPA for consideration in February 2007. Through these efforts the city had reasonable opportunity and time to review existing technical information concerning the harbor and clean up alternatives contemplated under the GLLA. The city's proposed GLLA plan is similar to EPA's current proposed plan. The city's plan addressed the same future-use issues for the harbor and provided for the deepening of the harbor's federally-authorized channel in cooperation with harbor industry.

The city has submitted Freedom of Information Act (FOIA) requests to EPA and other agencies concerning Waukegan Harbor. Through those requests EPA has already released the bulk of the responsive documents to the city. The city bases, in part, its second extension request on the presumption that the FOIA request will not be fully responded to until the agreed upon due date of January 25, 2009. All documents in the administrative record for the Waukegan Harbor site have been located at the city's public library since November 2008 and late last week, EPA released these remaining responsive documents under the FOIA request.

Your first extension request letter, dated December 2, 2008, stated that EPA had "deemed it appropriate to consult with the Harbor industry" on the direction of the proposed plan. Informational meetings have been held with local harbor industries, the Waukegan Community Advisory Group (CAG) and the general public for many years. The city has been an active participant throughout the remedial investigation and feasibility study.

Thank you for your interest and input on the proposed remedy. I look forward to receiving the city's formal comments on the proposed plan for cleanup of Waukegan Harbor by February 4, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Karl", is written over a horizontal line.

Richard C. Karl, Director
Superfund Division